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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,113	11/18/2003	Terrance Callahan	3342046.0004	4000
27419 7590 04/15/2009 FASKEN MARTINEAU DUMOULIN LLP 4200 TORONTO DOMINION BANK TOWER BOX 20 TORONTO-DOMINION CENTRE TORONTO, ON M5K 1N6 CANADA				
EXAMINER				
DINH, KHANH Q				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
04/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,113

Applicant(s)

CALLAHAN ET AL.

Examiner

Khanh Q. Dinh

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date 12/16/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Election/Restriction reply and Remarks filed on 11/3/2008. Applicant elects Group II (claims 50-57) for examination. Therefore, claims 50-57 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 50-52, 54 and 55 are rejected under 35 U.S.C. 102(e) as being anticipated by Crosbie et al., US Pat. No.7,134,141.

As to claim 50, Crosbie discloses a method for generating audit logs for a network, said network comprising a plurality of nodes interconnected by way of a communications network, said method comprising:

upon initial access by any user of a plurality of users, generating a login event record from user identification and password data received from an access control point from a plurality access control points, each of said plurality of access control points associated with one of said plurality of nodes (generating system log files including successful logins and logouts, see fig.1, abstract,

col.10 line 18 to col.11 line 11);

intercepting all messages transmitted to or from each of said plurality of nodes and storing an audit log event in a repository for each activity identified in said intercepted messages (see col.11 lines 1-49 and col.12 lines 7-61).

As to claim 51, Crosbie discloses analysing said intercepted messages so as to determine the activities represented by said intercepted messages (processing reports of intrusions, see col.12 lines 6-54 and col.19 line 52 to col.20 line 51).

As to claim 52, Crosbie discloses identifying the format of the intercepted messages, for each format identified, passing a subset of intercepted messages conforming to the format identified to a decoder for processing that format and each decoder capturing activity and audit information from said subset of intercepted messages passed (see col.19 line 51 to col.20 line 63).

As to claims 54 and 55, Crosbie discloses prior to said storing, generating said audit log event for each identified activity in said intercepted messages and creating said audit log event for each identified activity in said intercepted messages from data captured during said analyzing (see col.19 line 51 to col.20 line 63 and col.23 lines 4-58).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 53, 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosbie, US Pat. No.7,134,141 in view of Seliger et al., US Pat. No.6,993,556.

As to claims 53, 56 and 57, Crosbie's teachings still applied as in item 3 above. Crosbie does not specifically disclose the format of the intercepted messages conforms to at least one of: the DICOM and HL7 data formats, events conform to the extensible mark-up language (XML) and a digital signature. However, Seliger discloses the format of the intercepted messages conforms to at least one of: the DICOM and HL7 data formats, events conform to the extensible mark-up language (XML) and a digital signature (see col.1 lines 54-62 and col.7 line 45 to col.8 line 38). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Seliger's teachings into the computer system of Crosbie to process data information because it would have enabled the context manager to authenticate valid secure subjects and to intervene in a context management process in a communication network.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Jo et al, US pub. No.2005/0071650.

b. Myers et al, US pub. No.2008/0046292.

Conclusion

7. Claims 50-57 are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for patents
P O Box 1450
Alexandria, VA 22313-1450

/Khanh Dinh/
Primary Examiner, Art Unit 2451

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Art Unit: 2451

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